

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202)	MB Docket No. 03-7
FM Table of Allotments)	RM-10596
For FM Broadcast Stations.)	
)	
(Upper Sandusky and Caledonia, Ohio))	

To: Assistant Chief, Audio Division

COMMENTS

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of WYNT(FM), Channel 240A, Upper Sandusky, Ohio (Facility ID No. 68681), by its attorneys, and in response to the Notice of Proposed Rule Making in the above-captioned proceeding (released January 16, 2003) (the "Notice"), hereby affirms its support for the proposal set forth in Notice and proposed in Clear Channel's Petition for Rulemaking dated May 14, 2002) (the "Petition"), which proposes the following changes:

- a) delete Channel 240A from Upper Sandusky;
- b) add Channel 240A to Caledonia, Ohio; and
- c) modify the license of WYNT(FM) to specify operations on Channel 240A in Caledonia, Ohio, in lieu of operation on Channel 240A in Upper Sandusky, Ohio

Grant of the Proposal would serve the public interest by providing first local aural transmission service to Caledonia, Ohio, while Upper Sandusky would

continue to receive service from Station WXML(FM). Implementation of the Proposal would advance the third allotment priority by delivering a first local aural transmission service to Caledonia, Ohio, and would further advance the Commission's fourth allotment priority – other public interest factors.

As set forth in the Notice (at footnote 6) and the Petition, 1/ Caledonia is a census designated place. 2/ Commission precedent holds that a census-designated place presumptively merits its own local transmission service. 3/

Caledonia's other characteristics likewise demonstrate that it deserves its own local transmission service. Caledonia has a 2000 Census population of 578 persons. 4/ It has its own mayor and city council, its own post office and zip code (43314), at least seven churches and its own retail establishments. 5/ It also is the home of Caledonia Elementary School, the Caledonia Police Department, and a fire department. *Id.* Finally, Caledonia is not part of any urbanized area, and the principal community contour of a station operating on the proposed allotment at maximum facilities from the proposed reference coordinates will not encompass

1/ The Petition is hereby incorporated by reference in its entirety.

2/ Caledonia has been designated as a place in both the 1990 and **2000** Censuses. *See* Bureau of the Census, 1990 Census of Population and Housing: Ohio at **54**. The Census web site also lists Caledonia as a census-designated place for purposes of the 2000 Census. *See, e.g.,* http://quickfacts.census.gov/cgi-bin/cnty_QuickLinks?39101.

3/ *See e.g., Hannahs Mill and Milledgeville, Georgia*, 7 FCC Rcd 3944 (1992); *East Hemet, California*, 4 FCC Rcd 7895 (1989).

4/ *See Notice* at fn 6

5/ *See Exhibit 1 to the Petition*

50 percent of any urbanized area. Under Commission precedent, the presence of these civic, social and business organizations, and Caledonia's independence from any central city of an urbanized area confirm that Caledonia is a community deserving of its own aural transmission service.

The Commission's fourth allotment priority – other public interest factors – also weigh heavily in favor of the Proposal. As the Technical Statement attached to the Petition, and incorporated herein by reference, demonstrates, the proposed re-allotment will result in a net service gain of approximately 79,128 persons. ^{6/} In addition, the Proposal will not deprive any current community of license of its sole local transmission service. Upper Sandusky, the current community to which WYNT(FM) is assigned, will continue to be the community of license of WXML(FM), a noncommercial educational station that serves 100 percent of Upper Sandusky. ^{7/}

The Technical Statement attached to the Petition demonstrates that the Proposal is consistent with the Commission's technical rules. A statement from

^{6/} The Proposal will enable WYNT(FM) to serve 123,347 persons. *See* Technical Statement at 5 (attached to the Petition). Although the Proposal also will result in a loss in service to 26,172 persons, all loss-area residents will remain served by five or more aural services, and so will continue to be well-served. *See id.* at 5.

^{7/} *See* Technical Statement at 4 (attached to the Petition). *See, e.g., Oceanside and Encinitas, California*, Report and Order, 14 FCC Rcd 15302 (Allocations, 1999) (holding operation of noncommercial station in allotment's current community to constitute local transmission service); *Giddings and Buda, Texas*, Notice of Proposed Rule Making, 14 FCC Rcd 3561 (Allocations, 1999) (same); *see also Paonia arid Olathe, Colorado*, 16 FCC Rcd 22109 (Allocations, 2001) (denying first local transmission preference because proposed community already was home to noncommercial FM station).

Clear Channel affirming that it will apply for the allotment if changed as proposed is attached

For the foregoing reasons, the Commission should adopt the changes in the Table of Allotments set out in the Notice of Proposed Rule Making and should approve the proposed modification of WYNT(FM)'s license under Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

**CLEAR CHANNEL
BROADCASTING LICENSES, INC.**

By: 
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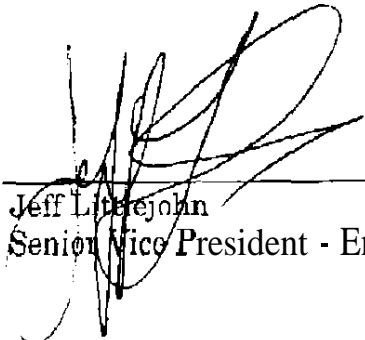
March 10, 2003

DECLARATION

I, Jeff Littlejohn, declare **as** follows:

1. I am *Senior Vice President - Engineering* of **Clear Channel Broadcasting** Licenses, Inc. ("CCBL"), the licensee of Station WYNT(FM), Channel 240A, Upper Sandusky, Ohio.
2. CCBL intends to **apply** for a modification of license **of** Station WYNT(FM) to specify operations on Channel **240A** at **Caledonia**, Ohio, upon adoption of the **proposed rule making** amending Section 73.202, FM Table of Allotments, FM Broadcnst Stations (Upper Sandusky **and** Caledonia, Ohio) **in** MB Docket No. 03-7.
3. IF granted the construction permit to modify Station WYNT(FM) to specify operations on Channel **240A** at Caledunia, Ohio, CCBL will promptly construct **and operate** such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration **are** true and accurate tu the best of my knowledge, informatiun and belief.



Jeff Littlejohn
Senior Vice President - Engineering

Executed t h i s th 4 day of March, 2003.